



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2011 Biennium

Bill #	SB0327	Title:	Protection for mothers to be
Primary Sponsor:	Curtiss, Aubyn	Status:	As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact:

This bill has no fiscal impact to the Department of Corrections in the upcoming two biennia, however, in the long term this legislation could add substantial incarceration costs which would negatively effect the general fund.

The Office of the State Public Defender (OPD) has the statutory obligation to represent individuals charged with a crime that cannot afford to hire counsel. The impact to the office workload, due to new offenses for deliberate homicide, can not be quantified.

FISCAL ANALYSIS

Assumptions:

Department of Corrections

1. This bill creates new crimes of deliberate homicide of an unborn child, mitigated deliberate homicide of an unborn child, and aggravated assault on an unborn child.
2. The crimes of deliberate homicide and mitigated deliberate homicide of an unborn child could permit a judge to sentence an offender to concurrent or consecutive sentences for the deaths of both the mother and child. In the instance that the mother survives, the offender can be sentenced to deliberate homicide or mitigated deliberate homicide for the death of the unborn child.

3. Currently, an offender committing one of the above crimes is subject to prosecution under crimes such as deliberate homicide, aggravated assault, attempted homicide, assault with a weapon, etc.

Office of the State Public Defender (OPD)

4. The OPD was unable to find any statistics on the number of crimes against an unborn child in a particular year, and thus, was unable to predict the number of new cases that the agency might face with the passing of this bill.
5. Due to the possible increase in sentence time this bill may increase the chance that the case goes to jury trial which could increase OPD workload.

Long-Term Impacts:

1. Because these crimes could add another 12 to 15 year sentence to the current amount of time served, there would be long term fiscal impact to the department of \$33,569 per male offender per year and \$44,348 per female offender per year. The current length of stay for deliberate homicide is 15 years, mitigated deliberate homicide 14 years, and aggravated assault 12 years. There are currently no department or Board of Crime Control statistics available for unborn victims of violent crime. The department is unable to determine how many offenders would be affected by this new law.

Sponsor's Initials

Date

Budget Director's Initials

Date